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PATENT  
Attorney Docket No.: 088724-000000US  
Client Ref. No.: W 2462 - R/sb

Assistant Commissioner for Patents  
Washington, D.C. 20231

On July 15, 2003

TOWNSEND and TOWNSEND and CREW LLP

By: Lata Olivier

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

Reiner Weber, et al.

Application No.: 09/254,743

Filed: May 28, 1999

For: COOLING COVER, COOLING  
COVER COMPONENTS AND  
COOLING TUBULAR ARMATURE

Examiner: Atkinson, C.

Art Unit: 3743

AMENDMENT

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PETITIONS OFFICE

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

In response to the Office Action mailed October 2, 2002, please amend the  
above-identified application as follows:

REMARKS

Claims 34-55 are pending.

On February 14, 2001, applicants submitted an amendment. On  
April 25, 2001, the Examiner indicated that the amendment was non-responsive because  
it failed to identify the claims readable on the elected species. Accordingly, applicants  
submitted a supplemental amendment on August 27, 2001 indicating that species upon  
which the claims read. The Examiner has now issued a second response to a non-  
responsive amendment. The Examiner is now objecting to the statement "Claim 55 is ...

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similar to claim 34." The Examiner indicates that it is unknown what "similar" means when determining patentability between claim language and prior art.

Accordingly, applicants respectfully submit that nowhere in the prior art is a cooling ceiling in accordance with claim 55 disclosed, taught or even suggested, whether the references are considered together or separately. More specifically, it is respectfully submitted that neither Fischer nor Herbst nor Musgrave et al. nor Ingram, either alone or in combination, teach, disclose, or even suggest a cooling ceiling comprising cooling tube mats, upper dry building panels with a thermal bearer secured thereto, the thermal bearer being attached to a lower side of the upper dry building panels, spacers that may be attached to lower side of the upper dry building panels, lower dry building panels that may be attached to the spacers in order to form hollow cavities that receive cooling tube mats, and a sound insulation that may be attached at one of either between the spacers and the upper side of the lower panels, or in a manner of a wall paper to a lower side of the lower panels. Accordingly, it is respectfully submitted that claim 55 is allowable. It is respectfully submitted that this position is fully supported in the remarks section in the amendment filed on February 14, 2001.

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CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,



Kevin T. LeMond  
Reg. No. 35,933

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